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Docket No.: 215742US0

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ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/098,594

Applicants: Stefan UHRLANDT, et al.

Filing Date: March 18, 2002

For: INHOMOGENEOUS SILICAS AS CARRIER
MATERIAL

Group Art Unit: 1755

Examiner: MANLOVE, S.

SIR:

Attached hereto for filing are the following papers:

PETITION TO THE COMISSIONER UNDER 37 C.F.R. §1.181

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 215742US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

UHRLANDT, S, ET AL : EXAMINER: MANLOVE, S.

SERIAL NO: 10/098,594 :

FILED: MARCH 18, 2002 : GROUP ART UNIT: 1755

FOR: INHOMOGENEOUS SILICAS AS :
CARRIER MATERIAL

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Applicants respectfully request the Commissioner to exercise supervisory authority in the matter of the above-identified application to direct the Examiner to withdraw her holding of applicant's attempt to correct the two patent numbers of page 8, line 4, of the text of the specification as new matter.

While it is clear that the corrections requested by applicants in their Amendment filed December 14, 2004, in fact, result in new patent numbers, such is the nature of simple requests to correct numbers. In the present instance, the correction of the two patent numbers in no way changes the scope of the disclosure of the specification in any manner with respect to silica fraction (A). Whether or not a particular amendment made to a specification changes the scope of the disclosure of the written description of a text is the issue which may raise a question of new matter. No such change in scope; however, has been made to the text.

Not only do the amendments to page 8 of the text not substantively change the description of the invention in the text of the specification, the amendments in no way affect the scope of the claims of the application. The fact is that the requested amendments to page 8, line 4, are simple corrections of patent numbers. Accordingly, the refusal of the Examiner to enter the amendments on the record is believed to be without substantive merit and reversal of the Examiner's decision is respectfully requested.

Respectfully submitted,

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